

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

VITO FORESTIER,

Defendant.

USDC SDNY
DOCUMENT
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DATE FILED: 1/30/07

Case No. 05-CR-1280 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

The Court received a copy of the government's motions *in limine*, dated January 30, 2007. The government seeks to offer testimony regarding information provided by a confidential informant to rebut any suggestions by defense counsel of police impropriety. In addition, the government seeks to preclude any testimony from Defendant's proposed expert, Dr. Julie Holland.

The Court also received a letter from Defendant dated January 30, 2007, which enclosed a copy of a letter from the government dated January 29, 2007. This letter had not been sent to the Court. It stated that the government may seek to introduce prior acts of the Defendant at trial pursuant to Fed. R. Evid. 404(b), specifically previous attempts to purchase large amounts of heroin several days before his arrest. It is hereby

ORDERED that Defendant should respond to the government's motions *in limine* by noon on January 31, 2007; it is also

ORDERED that the government should send a letter to the Court by noon on January 31, 2007 explaining why its notice to Defendant regarding possible Rule 404(b) evidence should be considered timely.

The Court will consider all these issues at the February 1, 2007, final pre-trial conference.

SO ORDERED.

Dated: January 30, 2007
New York, New York



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE